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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

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**OPINION 6**

On the type of a genus "*A*—," containing two species, "*A*— *b*—" and "*A*— *c*—," where the generic name in question was published on, or before, 31st December 1930

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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## OPINION 6.

ON THE TYPE OF A GENUS "A—," CONTAINING TWO SPECIES, "A— b—" AND "A— c—," WHERE THE GENERIC NAME IN QUESTION WAS PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

SUMMARY.—When, in the case of a generic name published not later than 31st December, 1930,<sup>1</sup> a later author divided the genus "A—," species "A— b—" and "A— c—," leaving genus "A—," only species "A— b—," and genus "C—," monotypic<sup>2</sup> with species "C— c—," the second author is to be construed as having fixed the type of the genus "A—."

### I.—THE STATEMENT OF THE CASE.

The following case has been submitted by Dr. L. Stejneger for *Opinion* :—

A definite ruling is requested on the following hypothetical case as to the application of Article 30 of the International Code of Zoological Nomenclature. The hypothetical form is selected in order to present the case as simply and uncomplicatedly as possible.

Linnaeus, in 1758, established a genus "A—" with two species :

- (1) "A—" "b—."
- (2) "A—" "c—."

Next, in 1768, Laurenti divided this genus in two, calling them :

- (1) Genus "A—."
  - 1. Species "A—" "b—".
- (2) Genus "C—."
  - 1. Species "C—" "c—" (the latter combination being absolutely tautonymic).

Laurenti thus created two monotypic genera, one of which was tautonymic. But he did not say literally : ' I make "b—" type of "A—," ' nor ' I make "c—" type of "C—." ' He did not say so, but he did do so. He did not "select" the type by means of words, but by means of deed. Even "rigidly construed" "the expression 'select a type'" (Article 30 in fine) fits this action of Laurenti's. The species are not mentioned by him as illustration or examples, there were known to him no other species but these.

Twenty-five years later Fitzinger in express words makes "c—" the type of "A—" and designated "b—" as type of a generic name "D—."

The question then arises does Fitzinger's selection (in words) undo Laurenti's earlier selection (in deed) ?

<sup>1</sup> See NOTE 2 below (pp. 133-134).    <sup>2</sup> See NOTE 3 below (pp. 134-135).

If this were allowed we would have to face the following absurdity :

"C——" Laurenti, 1768, would become a synonym of the restricted genus "A——" Linnaeus, 1758, notwithstanding the fact that its monotype is *not contained* in the restricted genus "A——."

And again :

"C——" Laurenti, 1768, would also become a synonym of the genus "D——" Fitzinger, 1843, because both have the same type, but the latter name would take precedence of the earlier, absolutely equivalent name.

Action like that would not only contravene the principle of the Law of Priority but also that underlying littera (c) and (d) of Article 30 itself. Moreover, it would contravene all nomenclatorial practice heretofore in vogue under any of the existing codes.

The final paragraph of Article 30 shows that the meaning of the expression "select a type" is to be construed. If the only construction it could bear were to the effect that the "selection" must be in *express words*, then the wording of the Article would have been phrased so as to preclude any other interpretation and the final paragraph just quoted would have been superfluous. It matters not whether we substitute the word "designate" for "select," for the two words are used indiscriminately in the Article. And if the type can be selected or designated in any other way than in *express words*, and the final paragraph proves that it can, then it is hard to conceive of a more effective way to designate or select a type than was done by Laurenti in the hypothetical case submitted above.

I therefore hold that in this case submitted he did designate the type of both genera "A——" and "C——."

## II.—DISCUSSION OF THE CASE.

2. At the Boston meeting, when the report on Article 30 was read before the public meeting of the Commission on Nomenclature, the position of the Commission upon cases of this kind was asked, and the reply was made by all the members of the Commission who were present that cases which were as clear as the one given in the diagram should be construed under Article 30(g), namely, that the type of the original genus was fixed when, through a division of its species, it was definitely made into a monotypic genus.

3. *Opinion* written by Stiles.

4. *Opinion* concurred in by fourteen (14) Commissioners :—  
Blanchard; Dautzenberg;<sup>3</sup> Graff;<sup>4</sup> Hoyle; Jentink; Jordan;<sup>5</sup>  
Joubin; Maehrenthal;<sup>4</sup> Monticelli; Schulze;<sup>4</sup> Stejneger;<sup>6</sup>  
Stiles;<sup>6</sup> Studer;<sup>4</sup> Wright.

5. Not voting, one (1) Commissioner :—Osborn.

<sup>3</sup> See paragraph 8 below.

<sup>4</sup> See paragraph 6 below.

<sup>5</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 6 was not a member of the Commission.

<sup>6</sup> See paragraph 7 below.

## III.—SUPPLEMENTARY NOTES BY INDIVIDUAL COMMISSIONERS.

6. Maehrenthal, Schulze, Graff, and Studer add :—

Wir sind auch der Meinung, dass der hypothetische Fall so entschieden werden müsste, wie es die Kommission in Bostan getan hat. Wir müssen aber darauf hinweisen, dass diese Entscheidung dem Wortlaut des Art. 30 nicht *entspricht*. Eine "subsequent designation" (Art. 30g) muss offenbar in derselben Form geschehen wie eine "original designation" (Art. 30a). In dem vorliegenden Fall hat erst Fitzinger die typische Species "designated." Die Elimination, welche durch Begründung des Genus *C*——Laurenti's stattgefunden hat, wäre gemäss Art. 30k (Recommendation !) irrelevant.<sup>7</sup>

7. Note on the above by Stiles and Stejneger :—

On the contrary, this does correspond to Article 30(I) (c). If a genus is monotypic this is *ipso facto* designation of the most definite kind.

8. Note by Dautzenberg :—

A mon avis lorsqu'un genre est monotypique il est évident que la designation expresse du type est superflue & que l'espèce indiquée doit être admise comme en étant le type.<sup>8, 9</sup>

<sup>7</sup> In this *Opinion*, when published in 1910, the following translation was given of the note by the four Commissioners named in paragraph 6 :—We are of the opinion that the hypothetical case is to be decided in the sense adopted by the Commission in Boston. We must point out, however, that this decision does not correspond to the wording of Art. 30. A "subsequent designation" (Art. 30g) must obviously occur in the same form as an "original designation" (Art. 30a). In the case in question, Fitzinger first "designated" the genotype. The elimination which occurred by the establishment of *C*——Laurenti, would be irrelevant according to Art. 30k (Recommendation !).

<sup>8</sup> In this *Opinion*, when published in 1910, the following translation was given of the note by Commissioner Dautzenberg :—In my opinion, when a genus is monotypic, it is evident that the verbal designation of the type is superfluous and that the species indicated should be admitted as being the type.

<sup>9</sup> This observation is no longer completely accurate, as, under the amendment to Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927, no generic name published after 31st December 1930 has any status, unless there is a "definite and unambiguous designation of the type species." See 1944, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 1 : 76–78; and 1939, *ibid.* 2 : 29–34.

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

## NOTE I.

*Historical particulars.*

The subject dealt with in this *Opinion* was not included in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology at its meeting held at Boston in August 1907. It is clear, however, from paragraph 2 of this *Opinion* that this subject was discussed, when the Commission submitted their report to that Congress, for it is there recorded that in answer to a question the members of the Commission present replied that they were unanimously of the view expressed in the present *Opinion*. The eight (8) Commissioners present at Boston were:—Blanchard, von Graff, Hoyle, Jordan (D. S.), Osborn, Stejneger, Stiles and Studer.

2. As will be seen from paragraphs 4 and 5 of this *Opinion*, fourteen (14) Commissioners are recorded as having voted in favour of its adoption and one (1) Commissioner is recorded as having abstained. These Commissioners belonged to the Classes 1910, 1913, and 1916. Of these, the Class 1916 was only elected at Boston in place of the Class 1907, from which it differed in composition through the substitution of Professor F. S. Monticelli (Italy) for Dr. H. Horst (Netherlands). It is clear therefore that *Opinion* 6 was drafted on some date subsequent to the close of the Boston meeting in August 1907. In view of the fact that the draft of this *Opinion* had to be prepared and copies made and distributed and further that under the By-Laws a period of not less than 90 days must be left for voting, it is certain that the voting was not completed before the end of 1907. It may, therefore, be taken that this *Opinion*, which is undated, cannot have been rendered by the Commission before some date in the year 1908.

3. This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 7-9), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

4. No manuscript or other documents relating to this *Opinion* are preserved in the archives of the International Commission, since in 1931 the Commission agreed (by a majority) that, in view of certain difficulties of storage which had then arisen, the correspondence and papers relating to certain of their early *Opinions* should be destroyed.



## NOTE 2.

*On the limitation imposed on Opinion 6 by the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927.*

In 1927, the International Commission submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the International Code should be amended by the addition of the following new proviso (proviso (c)) :—

(c) that no generic name nor specific name published after 31st December 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—

- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or species from other genera or species; or
- (2) with a definite bibliographic reference<sup>10</sup> to such summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further
- (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the Code was approved by the Tenth International Congress of Zoology and accordingly came into operation as from midnight 31st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion 1*,<sup>11</sup> the effect of the adoption of the foregoing amendment to Article 25 of the Code was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission, interpreting Article 25 of the Code. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest provisions became operative).

4. The provisions of *Opinion 6* are less rigorous than those contained in proviso (c) added to Article 25 at Budapest. *Opinion*

<sup>10</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion 138* (1942, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature 2*: 29-34).

<sup>11</sup> See pp. 76-78 above.

6 remains valid and binding as respects names published in the period up to and including 31st December 1930, but is no longer applicable as respects any name published after that date. It is for this reason that the words "where the generic name in question was published on, or before, 31st December 1930" have been added at the end of the title of this *Opinion*, and the words "in the case of a generic name published not later than 31st December 1930" have been added at the beginning of the "summary."<sup>12</sup>

### NOTE 3.

*On the limited scope of the decision embodied in Opinion 6.*

The wording employed in *Opinion 6* is absolutely unambiguous and leaves no loophole for misunderstanding as to the meaning or scope of the Commission's decision. Nevertheless, as subsequent experience has shown, this *Opinion* has on a number of occasions been erroneously represented as lending support for the contention that, in the case of a genus originally published (i) with three or more included species but (ii) with none of those species designated as the type, a subsequent reviser, when designating a type for the genus, is debarred from selecting any of the originally-included species which may in the meantime have become the types of other genera. In other words, this *Opinion*, it has been claimed, provides that the selection of the types of genera shall be regulated not by the free choice of a later author, acting under the provisions of paragraph (g) of Article 30 of the International Code, but shall be determined, to a considerable extent, by the process known as "elimination." More than once, this contention has been extended by the claim that the genus (genus "C—"), to which one of the species has been transferred from the original genus (genus "A—"), need not be a monotypical genus and therefore that the removal of a species from genus "A—" to some other genus without being made the

<sup>12</sup> In order that the title of this *Opinion* should be such as to give some indication of the subject dealt with, the words "On the type of" have been substituted at the beginning for the words "In case of." When this *Opinion* was first published, the expression "Linnaeus, 1758" was inserted in the title after the words "the genus A." This was due to an inadvertent lifting of this expression from the hypothetical example cited by Commissioner Stejneger in the "Statement of the Case" given in paragraph 1 of this *Opinion*. The insertion of this expression in the title of this *Opinion* is, however, misleading since it appears to imply that this *Opinion* is limited to generic names established by Linnaeus in 1758, *Systema Naturae* (ed. 10), whereas the decision of the Commission in this case (as is shown by the "summary") is general in scope. The expression "Linnaeus, 1758" has accordingly been deleted from the title in the present edition.



type of that genus is sufficient to bring the case within the scope of *Opinion* 6 and therefore to render the species so removed ineligible for selection as the type of genus "A——."

2. It is, therefore, necessary to take note that neither of the above interpretations is in harmony either with the intention of the Commission when adopting this *Opinion* or with the wording used by the Commission in this *Opinion*. The intention of the Commission in this matter is clearly shown in the account, given in paragraph 2 of the *Opinion*, of the discussion of this problem at the meeting of the Seventh International Congress of Zoology at Boston in 1907. This account makes it absolutely clear that the question then put to, and answered by, the members of the Commission was the strictly limited question then laid before the meeting in the form of a diagram and subsequently embodied in the present *Opinion*. That this is, in fact, what transpired at the Boston meeting is confirmed by the strictly limited form in which the problem was put to the Commission in the "statement of the case" submitted by the petitioner (Commissioner Leonhard Stejneger), for the issues raised in that "statement" were the only issues on which, in this *Opinion*, the members of the Commission were asked to vote.

3. As regards the wording employed by the Commission in *Opinion* 6, both the title of the *Opinion* and the "summary" make it clear beyond possibility of question that this *Opinion* is only applicable to cases where (i) the original genus (genus "A——") contains two species and no more than two species and (ii) the genus "C——," to which one of the species originally included in genus "A——" belonged, is a monotypical genus.

4. Finally, it should be noted that in *Opinion* 62 (published in March 1914),<sup>13</sup> the International Commission pointed out that "Article 30 does not exclude the type species of other genera from consideration in the selection of the type of a given genus."

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19th May, 1944.

<sup>13</sup> See 1914, *Smithsonian Publication* 2256 : 147.

## THE PUBLICATIONS OF THE COMMISSION.

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This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
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*Volume 2.* This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10–12 (with Roman pagination) and *Opinions* 134–181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1–26, containing *Declarations* 10–12 and *Opinions* 134–156, have now been published. Further Parts will be published shortly.

*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1–4 (containing *Opinions* 182–185) have now been published. Further Parts will be published as soon as possible.

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